

IN THE UNITED STATES DISTRICT COURT  
FOR THE SOUTHERN DISTRICT OF MISSISSIPPI  
SOUTHERN DIVISION

UNITED STATES OF AMERICA

PLAINTIFF

v.

Civil Action No: 1:08cv1463LG-RHW

\$7,708.78 IN U.S. CURRENCY, ET AL

DEFENDANT PROPERTY

FINAL JUDGMENT AND DEFAULT  
JUDGMENT OF FORFEITURE AS TO PARCEL NO. 10

The United States of America (“Government”) and Claimant Regions Bank, N.A., by and with the consent of their counsel, have represented to the Court that this portion of the case has been settled, pursuant to the Stipulation to Recognize Claim of Regions Bank [97]. The stipulation includes the granting of a judgment in favor of the Government as to Parcel No. 10. To accomplish this final judgment as to the above-named Claimant and for the purpose of concluding this portion of this case, the Court makes the following findings:

1. The Verified Complaint for Forfeiture in this matter was filed on December 10, 2008 [1].
2. Following the filing of the complaint, a copy of the Notice of Complaint for Forfeiture, with other pertinent documents, was served upon all potential Claimants [78].
3. On March 31, 2009 and April 7, 2009, publications of the Notice of Complaint for Forfeiture Action were duly completed in accordance with Rule G(4) of Supplemental Rules of Admiralty or Maritime Claims and Asset Forfeiture Actions [65, 68, 69, and 70].
4. The notice informed all persons or entities known and unknown that this forfeiture action was pending, that in order to avoid forfeiture of the defendant property, any

person who asserts an interest in the defendant property must file a verified claim within thirty-five (35) days after the date of the notice, if the notice is delivered by mail, or within thirty-five (35) days of the date of delivery, if the notice is personally served and not sent by mail. Further, for guidance in the preparation of their claims and answers, the notice referred any such persons or entities to Rule G(5)(a)(ii) of Supplemental Rules of Certain Admiralty and Maritime Claims, Title 28, United States Code.

5. Following receipt of the notice, Claimant Regions Bank, N.A. timely and properly filed a claim and answer with this Court. No claim, answer, or other pleading remains outstanding, or has been filed by any other person or entity, nor has any other person or entity made an appearance herein, with regard to Parcel No. 10, including potential claimant Richard Trieu. Therefore, as hereafter ordered, the Government is entitled to a default judgment of forfeiture against any and all person or entities, including any and all interests of Richard Trieu (except for Claimant Regions Bank, N.A.).

6. WHEREAS the following has occurred towards settlement in this case:

a. The Government has recognized Claimant Regions Bank N.A.'s interest as to Parcel No. 10 described in the Stipulation to Recognize Claim as filed on December 8, 2009 [97].

b. This motion is intended to fully and finally conclude all issues and proceedings relating to Claimant Regions Bank, N.A. in this case.

IT IS, THEREFORE, ORDERED AND ADJUDGED AS FOLLOWS:

a. The Government is hereby given a default judgment of forfeiture against the interests of any and all other persons or entities, including Richard Trieu, (except Regions Bank, N.A.) having or claiming an interest in Parcel No. 10, more particularly described as:

Parcel No. 10: Located in Biloxi, MS

Lot 22 Beau Chene Estates Subdivision as per map or plat thereof as recorded in the Office of the Chancery Clerk of the Second Judicial District, Harrison County, Mississippi in Book 15 at page 50-51.

b. Title to Parcel No. 10 is hereby vested in the United States of America and any claims or interests therein of any persons or entities, including Richard Trieu and Regions Bank, N.A. are hereby canceled (except the interest of Regions Bank, N.A., described in the Stipulation [97]);

c. Parcel No. 10 is referred to the custody of the United States Marshal for disposition in accordance with law and regulation and in compliance with the terms of the stipulation with Regions Bank, N.A [97]; and

d. The United States is directed to file and record a certified true copy of this judgment in the land records of the Second Judicial District of Harrison County, Mississippi.

7. This final judgment and default judgment settles all issues in this case between the Government and Regions Bank, N.A. relating to Parcel No. 10 and this judgment constitutes a release and hold harmless agreement between the Government and Regions Bank, N.A. It is ordered that the Government, its agents, representatives, and employees shall be and are hereby released from any liability, claims, demands, damages, suits and causes of action caused by or as a result of this forfeiture action, any claims or demands for attorney fees (including those, if any, authorized by the Equal Access to Justice Act, the Hyde Amendment, and any other law).

8. This final judgment is intended to fully and finally conclude all issues and proceedings relating only to Parcel No. 10 and it is hereby closed for all purposes as to said property, subject to its being reopened for violation of the terms of this order.

**IT IS FURTHER ORDERED AND ADJUDGED** that the Motion for Default

Judgment as to Parcel No. 10 [127] is **GRANTED**.

**SO ORDERED AND ADJUDGED** this the 21st day of June, 2011.

s/ *Louis Guirola, Jr.*

Louis Guirola, Jr.  
United States District Judge